

Filed Under Seal Pursuant to Order of the Court dated 08/29/05

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

MARY S. McTIERNAN, et al.,

Plaintiffs,

v.

BINGHAMTON CITY SCHOOL DISTRICT, et al.,

Defendants.

Civil Action No.:  
3:02-CV-0062 (TPM/DEP)

**ORDER APPROVING INFANT SETTLEMENT**

Upon reading and filing the Declaration of Eric C. Nordby in Support of Application for Order Approving Infant Settlement, affirmed under penalties of perjury on September 8, 2005; and the Court having made an examination of all the facts regarding the propriety and reasonableness of the proposed settlement herein,

**NOW**, upon all the pleadings and proceedings herein, it is hereby

**ORDERED, ADJUDGED AND DECREED**, the proposed settlement is fair, equitable and reasonable under the circumstances; and it is further

**ORDERED**, that Eric C. Nordby, in his capacity as plaintiff's *pro bono* counsel and guardian *ad litem*, is hereby authorized and empowered to compromise and settle the claims herein, and to accept the sum of Ninety Thousand Dollars (\$90,000.00) in full satisfaction; and it is further

**ORDERED**, that Eric C. Nordby, in his capacity as plaintiff's *pro bono* counsel and guardian *ad litem*, is hereby authorized and empowered to execute a Release on behalf of plaintiff in favor of the defendants herein; and it is further

**ORDERED**, that upon the provision by Eric C. Nordby of the aforesaid Release, Utica National Insurance, Utica Mutual Insurance Company or their affiliates shall pay to "Hancock & Estabrook, LLP, as attorneys for Mary Sonia McTiernan Ehrich," a lump sum payment of Ninety Thousand Dollars (\$90,000.00); and it is further


**ORDERED**, that from the gross settlement proceeds, Hancock & Estabrook, LLP may retain the sum of Five Thousand Nine Hundred Ninety-Four Dollars and Eighteen Cents (\$5,994.18) as and for disbursements incurred; and it is further

**ORDERED**, that Hancock & Estabrook, LLP shall place the remaining balance of Eighty-Four Thousand Five Dollars and Eighty-Two Cents (\$84,005.82) in trust in a conservative investment, such as a certificate of deposit, with a local banking institution, for the sole benefit of plaintiff, the same not to be withdrawn in whole or in part without an Order of this Court, or until Mary Sonia McTiernan Ehrich reaches the age of twenty-five (25) years on May 22, 2013, at which time the same shall be paid over to her without further Order; and it is further

**ORDERED**, that the action is hereby dismissed in its entirety with prejudice; and it is further

**ORDERED**, that the Court shall retain jurisdiction over the action until plaintiff reaches the age of twenty-five years on May 22, 2013.

DATED: September 15, 2005  
October  
Binghamton, NY

  
THOMAS J. McAVOY  
Senior United States District Judge